

**REMARKS**

The Official Action mailed February 4, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant appreciates Examiner Li's time in conducting a personal interview on March 17, 2010. As an initial formal matter, the Interview Summary appears to inadvertently indicate the interview as telephonic; however, to clarify the record, the Applicant respectfully notes it was a personal interview. As described in more detail below, during the interview the Applicant's representative explained that the asserted prior art does not render obvious the claimed light emitting element as amended. Specifically, the prior art does not teach the configuration of layers claimed by the present invention. The Examiner agreed to consider the Applicant's remarks following the submission of this *Amendment*.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on May 25, 2006; October 18, 2006; December 23, 2008; May 18, 2009; and November 24, 2009.

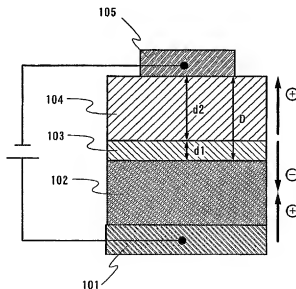
Claims 27-36 and 47-56 are pending in the present application, of which claims 27 and 47 are independent. Claims 27 and 47 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 4 of the Official Action rejects claims 27-35 and 47-55 as obvious based on the combination of U.S. Patent No. 5,757,026 to Forrest and U.S. Patent No. 6,566,807 to Fujita. Paragraph 5 of the Official Action rejects claims 27-36 and 47-56 as obvious based on the combination of Forrest and U.S. Patent No. 6,917,159 to Tyan. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either

in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The present invention is generally directed to a light emitting element having a structure as shown in Figure 1 (for example), reproduced below. With reference to Figure 1, the present invention includes an anode 101, a first layer 102, a second layer 103, a third layer 104, and a cathode 105.



As an initial matter, the Official Action asserts EL layer 20E of Forrest to correspond to the claimed first layer, hole transporting layer 21H to correspond to the claimed second layer, and electron transporting layer 22T to correspond to the claimed third layer. The Applicant respectfully disagrees and traverses the assertions of the Official Action. The present invention claims a second layer having an electron donor property that it is respectfully submitted is not satisfied by hole transporting layer 21H of Forrest. Likewise, the present invention claims a third layer having an electron acceptor property that it is respectfully submitted is not satisfied by electron transporting layer 22T of Forrest. Furthermore, even if, *arguendo*, electron transporting layer 21T is said to correspond to the claimed second layer and hole transporting layer 22H to correspond to the claimed third layer, then the asserted third layer (22H) would not be in contact with the asserted cathode (26/43), as in the independent claims of the present invention. See, for example, figure 2A of Forrest.

In any event, the prior art, either alone or in combination, does not teach or suggest the claimed features of the present invention, as amended. Independent claims 27 and 47 have been further amended herewith to recite the second layer being in direct contact with the first layer and the third layer being in direct contact with the second layer. For the reasons provided below, Forrest, Fujita and Tyan, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Furthermore, Fujita and Tyan do not cure the deficiencies in Forrest. The Official Action relies on Fujita to allegedly teach electron transporting layer 71 having a first material 27 with an electron donor property and asserts it would be obvious to include the first material in second layer 21H (or 21T) of Forrest to improve the luminous properties and heat resistance of the device simultaneously. The Applicant respectfully disagrees and traverses the assertion of the Official Action. Electron transporting layer 71 of Fujita is in contact with the cathode while the claimed second layer is interposed between the first and third layers. Therefore, it is respectfully submitted that there would be no reasonable expectation of success in combining layer 71 of Fujita with

Forrest as proposed by the Official Action and that there is no logical nexus between the proposed combination and the stated motivation (to improve the luminous properties and heat resistance of the device simultaneously). Accordingly, Forrest, Fujita and Tyan, either alone or in combination, do not teach or suggest the features of the claims, as amended herewith, and favorable reconsideration is requested. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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